REMARKS

In response to the above-identified Office Action, Claims 1-24 remain pending in the present application.

This application is under final rejection. Applicant has presented arguments hereinbelow that Applicant believes should render the claims allowable. In the event, however, that the Examiner is not persuaded by Applicant's arguments, Applicant respectfully requests that the Examiner enter the amendments to clarify issues upon appeal.

For the reasons set forth more fully below, Applicant respectfully submits that the present claims are allowable. Consequently, reconsideration, allowance and passage to issue of the present application are respectfully requested.

Cited Art Rejections

The Examiner maintained the rejection of claims 1-24 under 35 U.S.C. 103(a) as being unpatentable over Swinamer et al. (hereinafter 'Swinamer') in view of Business Wire, p06160247. In making the rejection, the Examiner states:

> Swinamer et al. shows all of the limitations of the claims except for specifying the use of a wireless management device/PDA including displaying information and sending information to and from the PDA and the POS via a central controller also using wireless modems.
> Swinamer et al. shows, figure 1, a hardwired method of communicating (sending) request for management decisions (override details), including price information, credit clearance (monetary pick-up, approval), security alerts (lock up POS) and other incidents requiring the manager's attention. This is done for a plurality of POS terminals. The manager is at the master station (central controller system) and can determine through verbal communication the satisfactoriness or unsatisfactoriness level of the POS terminal and has the ability to fix problems to ensure satisfactoriness.
> Business Wire, p06160247, dated June 16, 1998 teaches that on the Retail Systems '98 conference in New Orleans where 3Com demonstrated its popular PalmPilot (TM) (wireless management device which receives, displays, and sends information wirelessly through a central controller such as a WAN. [sic]) connected organizer at Retail Systems '98. The Palm computing platform is an open software architecture for handheld computing that provides an ideal basis for third-party developers to create innovative mobile computing

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solutions. **During Retail Systems '98 using the PathBuilder (TM) line of a WAN, 3com [sic] showed new on-line applications to the store supporting functions like human resources, decision support, special orders, and customer delivery all in order to improve information flow to better serve customers.**
Based on the teachings of the above Business Wire article, it would have been obvious to one of ordinary skill in the art, as the time the invention was made, to modify the Swinamer system to incorporate the PalmPilots and WAN of 3com [sic] in order to improve information flow to better serve customers.

Further, in response to Applicant's previous remarks, the Examiner states:

Applicant asserts that the cited art fails to teach, show or suggest the recited utilization of a wireless communication of a mobile manager with a central controller for remotely monitoring and responding to a plurality of POS systems. The Examiner does not concur. The prior art does teach the metes and bounds of the claims as broadly recited. ... the Swinamer prior art shows well known managerial practices (receiving problems and making decisions) with old style communication methods between manager and POS attendants and that the Business Wire prior art teaches an improved communication system using Palm Pilots and a WAN system which provides "to the store supporting functions like human resources, decision support, special orders and customer delivery". The examiner believes that it would have been obvious ... to implement the old and well known managerial practices by modifying the old phone/intercom communication system with more modern communications system such as 3Com's Palm Pilots and a WAN system in order to take advantage of the technological communication improvements and to improve flow or information. ...
Applicant respectfully disagrees with the rejection.

The Examiner asserts that the Business Wire prior art <u>teaches</u> an improved communication system using Palm Pilots and a WAN system. Applicant fails to see where the Business Wire prior art <u>teaches</u> or even suggests such a communication system.

The section of the Business Wire article quoted by the Examiner ("to the store supporting functions like human resources, decision support, ...) is presented in a section of the article that is discussing the PathBuilder WAN switches. The switches are presented as addressing "the growing bandwidth requirements brought on by retailers deploying new on-line applications to the store supporting functions like human resources, decision support, special orders, ..." Thus, it is the new "on-line applications" that support the functions pointed to by the Examiner, not the PathBuilder WAN switches. The PathBuilder WAN switches are merely taught as supporting the networks that deploy such on-line applications.

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Even when considering these on-line applications, there is nothing to teach or suggest that a Palm Pilot can be used with a WAN in a retail environment to provide a managerial communication system. The discussion related to the Palm Pilot in the Business Wire article describes a planned product offering from Symbol Technologies that is a "spread-spectrum wireless version of the PalmPilot connected organizer that is designed for the demanding store environment. Symbol has integrated infrared (IR)-based scanning into the PalmPilot handheld solution" which is a "smaller, lighter, and more cost-effective next-generation handheld platform." Applicant fails to see any teaching or suggestion in the Business Wire article that the described planned product offering based on a PalmPilot is used in a communication system with a WAN.

Since the Business Wire article fails to teach, show, or suggest a communication system of a WAN and a PalmPilot, Applicant respectfully submits that there is nothing to teach, show, or suggest an "automatic or mechanical means" of a communication system that "accomplishes the same result" as the "old style communication methods between managers and POS attendants" in Swinamer.
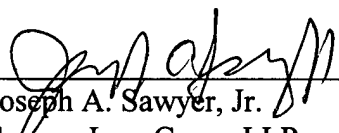
In addition, even if the system of registers in Swinamer were updated to a WAN based system, the Examiner's states that the "manager is at the master station (central controller system)." Under this premise, Applicant fails to see how or why a PalmPilot or wireless management device would be used for communication with the POS registers, since the manager is already at the central controller and would thus be in contact with the registers via the central controller. In contrast, Applicant recites the sending of override details from the POS device to a wireless management device, with the provision of the override details from the POS device to a

central controller device and sent from the central controller device to the wireless management device (e.g., see claims 1 and 2).

In view of the foregoing, Applicant respectfully submits that the Examiner has made interpretations of the Business Wire article that are unsupported and broadly applied to Swinamer to allow maintenance of the rejection of the recited invention. Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. 103(a) and respectfully submits that the recited invention of claims 1-24 is allowable over the cited art.

Applicant's attorney believes that this application is in condition for allowance. Should any unresolved issues remain, Examiner is invited to call Applicant's attorney at the telephone number indicated below.

Respectfully submitted,

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